

Bill No. CS for CS for SB 2658

Amendment No. ____ Barcode 383058

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Sebesta moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 27, between lines 13 and 14,

15
16 insert:

17 Section 3. Subsection (1) of section 120.52, Florida
18 Statutes, is amended to read:

19 120.52 Definitions.--As used in this act:

20 (1) "Agency" means:

21 (a) The Governor in the exercise of all executive
22 powers other than those derived from the constitution.

23 (b) Each:

24 1. State officer and state department, and each
25 departmental unit described in s. 20.04.

26 2. Authority, including a regional water supply
27 authority.

28 3. Board.

29 4. Commission, including the Commission on Ethics and
30 the Fish and Wildlife Conservation Commission when acting
31 pursuant to statutory authority derived from the Legislature.

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- 1 5. Regional planning agency.
- 2 6. Multicounty special district with a majority of its
- 3 governing board comprised of nonelected persons.
- 4 7. Educational units.
- 5 8. Entity described in chapters 163, 373, 380, and 582
- 6 and s. 186.504.

7 (c) Each other unit of government in the state,
8 including counties and municipalities, to the extent they are
9 expressly made subject to this act by general or special law
10 or existing judicial decisions.

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12 This definition does not include any legal entity or agency
13 created in whole or in part pursuant to chapter 361, part II,
14 any metropolitan planning organization created pursuant to s.
15 339.175, any separate legal or administrative entity created
16 pursuant to s. 339.175 of which a metropolitan planning
17 organization is a member, an expressway authority pursuant to
18 chapter 348, any legal or administrative entity created by an
19 interlocal agreement pursuant to s. 163.01(7), unless any
20 party to such agreement is otherwise an agency as defined in
21 this subsection, or any multicounty special district with a
22 majority of its governing board comprised of elected persons;
23 however, this definition shall include a regional water supply
24 authority.

25 Section 4. Paragraph (a) of subsection (1), paragraph
26 (b) of subsection (2), and paragraph (h) of subsection (5) of
27 section 339.175, Florida Statutes, are amended, and paragraph
28 (i) is added to subsection (5) of that section to read:

29 339.175 Metropolitan planning organization.--It is the
30 intent of the Legislature to encourage and promote the safe
31 and efficient management, operation, and development of

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1 surface transportation systems that will serve the mobility
2 needs of people and freight within and through urbanized areas
3 of this state while minimizing transportation-related fuel
4 consumption and air pollution. To accomplish these objectives,
5 metropolitan planning organizations, referred to in this
6 section as M.P.O.'s, shall develop, in cooperation with the
7 state and public transit operators, transportation plans and
8 programs for metropolitan areas. The plans and programs for
9 each metropolitan area must provide for the development and
10 integrated management and operation of transportation systems
11 and facilities, including pedestrian walkways and bicycle
12 transportation facilities that will function as an intermodal
13 transportation system for the metropolitan area, based upon
14 the prevailing principles provided in s. 334.046(1). The
15 process for developing such plans and programs shall provide
16 for consideration of all modes of transportation and shall be
17 continuing, cooperative, and comprehensive, to the degree
18 appropriate, based on the complexity of the transportation
19 problems to be addressed.

20 (1) DESIGNATION.--

21 (a)1. An M.P.O. shall be designated for each urbanized
22 area of the state; however, this does not require that an
23 individual M.P.O. be designated for each such area. Such
24 designation shall be accomplished by agreement between the
25 Governor and units of general-purpose local government
26 representing at least 75 percent of the population of the
27 urbanized area; however, the unit of general-purpose local
28 government that represents the central city or cities within
29 the M.P.O. jurisdiction, as defined by the United States
30 Bureau of the Census, must be a party to such agreement.

31 2. More than one M.P.O. may be designated within an

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1 existing metropolitan planning area only if the Governor and
2 the existing M.P.O. determine that the size and complexity of
3 the existing metropolitan planning area makes the designation
4 of more than one M.P.O. for the area appropriate.

5 (2) VOTING MEMBERSHIP.--

6 (b) In metropolitan areas in which authorities or
7 other agencies have been or may be created by law to perform
8 transportation functions and are performing transportation
9 functions that are not under the jurisdiction of a general
10 purpose local government represented on the M.P.O., they shall
11 be provided voting membership on the M.P.O. In all other
12 M.P.O.'s where transportation authorities or agencies are to
13 be represented by elected officials from general purpose local
14 governments, the M.P.O. shall establish a process by which the
15 collective interests of such authorities or other agencies are
16 expressed and conveyed.

17 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
18 privileges, and authority of an M.P.O. are those specified in
19 this section or incorporated in an interlocal agreement
20 authorized under s. 163.01. Each M.P.O. shall perform all
21 acts required by federal or state laws or rules, now and
22 subsequently applicable, which are necessary to qualify for
23 federal aid. It is the intent of this section that each M.P.O.
24 shall be involved in the planning and programming of
25 transportation facilities, including, but not limited to,
26 airports, intercity and high-speed rail lines, seaports, and
27 intermodal facilities, to the extent permitted by state or
28 federal law.

29 (h) A chair's coordinating committee is created,
30 composed of the M.P.O's serving Hernando, Hillsborough,
31 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. ~~Any~~

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1 ~~group of M.P.O.'s which has created a chair's coordinating~~
 2 ~~committee as of the effective date of this act and is located~~
 3 ~~within the same Department of Transportation District which is~~
 4 ~~comprised of four adjacent M.P.O.'s must continue such~~
 5 ~~committee as provided for in this section. Such committee must~~
 6 ~~also include one representative from each M.P.O. contiguous to~~
 7 ~~the geographic boundaries of the original committee. The~~
 8 committee must, at a minimum:

- 9 1. Coordinate transportation projects deemed to be
 10 regionally significant by the committee.
- 11 2. Review the impact of regionally significant land
 12 use decisions on the region.
- 13 3. Review all proposed regionally significant
 14 transportation projects in the respective transportation
 15 improvement programs which affect more than one of the
 16 M.P.O.'s represented on the committee.
- 17 4. Institute a conflict resolution process to address
 18 any conflict that may arise in the planning and programming of
 19 such regionally significant projects.

20 (i)1. The Legislature finds that the state's rapid
 21 growth in recent decades has caused many urbanized areas
 22 subject to M.P.O. jurisdiction to become contiguous to each
 23 other. As a result, various transportation projects may cross
 24 from the jurisdiction of one M.P.O. into the jurisdiction of
 25 another M.P.O. To more fully accomplish the purposes for which
 26 M.P.O.'s have been mandated, M.P.O.'s shall develop
 27 coordination mechanisms with one another to expand and improve
 28 transportation within the state. The appropriate method of
 29 coordination between M.P.O.'s shall vary depending upon the
 30 project involved and given local and regional needs.
 31 Consequently, it is appropriate to set forth a flexible

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1 methodology that can be used by M.P.O.'s to coordinate with
2 other M.P.O.'s and appropriate political subdivisions as
3 circumstances demand.

4 2. Any M.P.O. may join with any other M.P.O. or any
5 individual political subdivision to coordinate activities or
6 to achieve any federal or state transportation planning or
7 development goals or purposes consistent with federal or state
8 law. When an M.P.O. determines that it is appropriate to join
9 with another M.P.O. or any political subdivision to coordinate
10 activities, the M.P.O. or political subdivision shall enter
11 into an interlocal agreement pursuant to s. 163.01, which, at
12 a minimum, creates a separate legal or administrative entity
13 to coordinate the transportation planning or development
14 activities required to achieve the goal or purpose; provide
15 the purpose for which the entity is created; provide the
16 duration of the agreement and the entity, and specify how the
17 agreement may be terminated, modified, or rescinded; describe
18 the precise organization of the entity, including who has
19 voting rights on the governing board, whether alternative
20 voting members are provided for, how voting members are
21 appointed, and what the relative voting strength is for each
22 constituent M.P.O. or political subdivision; provide the
23 manner in which the parties to the agreement will provide for
24 the financial support of the entity and payment of costs and
25 expenses of the entity; provide the manner in which funds may
26 be paid to and disbursed from the entity; and provide how
27 members of the entity will resolve disagreements regarding
28 interpretation of the interlocal agreement or disputes
29 relating to the operation of the entity. Such interlocal
30 agreement shall become effective upon its recordation in the
31 official public records of each county in which a member of

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1 the entity created by the interlocal agreement has a voting
2 member. This paragraph does not require any M.P.O.'s to merge,
3 combine, or otherwise join together as a single M.P.O.

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6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 On page 1, line 7, after the first semicolon
9

10 insert:

11 amending s. 120.52, F.S.; redefining the term
12 "agency" for the purposes of the Administrative
13 Procedure Act; amending s. 339.175, F.S.;
14 providing authority for metropolitan planning
15 organizations and political subdivisions to
16 form separate legal or administrative entities
17 for the purpose of coordinating regional
18 transportation planning and development goals
19 and purposes; specifying how the entity shall
20 be created and operated; exempting the entity
21 from the Administrative Procedure Act;

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